

1
2
3
4
5
6
7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**

9 INTEL CORPORATION and APPLE INC.,

10
11 Plaintiffs,

12 v.

13 FORTRESS INVESTMENT GROUP LLC,
14 FORTRESS CREDIT CO. LLC, UNILOC
15 2017 LLC, UNILOC USA, INC., UNILOC
16 LUXEMBOURG S.A.R.L., VLSI
17 TECHNOLOGY LLC, INVT SPE LLC,
18 INVENTERGY GLOBAL, INC., IXI IP, LLC,
19 and SEVEN NETWORKS, LLC,

20
21
22
23
24
25
26
27
28
Defendants.

Case No. 3:19-cv-07651-EMC

**STIPULATION AND [PROPOSED
ORDER] ENLARGING TIME FOR
APPLE AND INTEL TO FILE A
SECOND AMENDED COMPLAINT**

1 Pursuant to Civil Local Rule 6-2 and 7-12, plaintiffs Intel Corporation and Apple Inc.
2 (collectively, “Plaintiffs”) and defendants Fortress Investment Group LLC, Fortress Credit Co. LLC,
3 Uniloc 2017 LLC, Uniloc USA, Inc., Uniloc Luxembourg S.a.r.l., VLSI Technology LLC,
4 Inventergy Global, Inc., INVT SPE LLC, IXI IP, LLC, and Seven Networks, LLC (collectively,
5 “Defendants”) by and through their undersigned counsel hereby stipulate as follows:

6 WHEREAS, on January 6, 2021, the Court entered an Order dismissing the amended
7 complaint (“Order”) and stating that “Plaintiffs shall have 30 days to file a second amended
8 complaint.” Dkt. No. 230 at 29.

9 WHEREAS, since the Court issued its Order, Apple and Intel have sought relief from the
10 protective orders entered in five underlying infringement suits, and expects it may also do so in one
11 other case this week or early next week, in order to obtain further evidence to incorporate into their
12 second amended complaint.

13 WHEREAS, Defendants oppose these motions and contend that Plaintiffs’ requests from
14 relief from the protective orders in the underlying infringement suits are improper.

15 WHEREAS, on January 22, Intel (1) filed a motion for relief in *VLSI Technology, LLC v.*
16 *Intel Corporation*, 5:17-cv-05671-BLF (N.D. Cal.), Dkt. No. 292, (2) filed a joint letter requesting a
17 teleconference in *VLSI Technology, LLC v. Intel Corporation*, C.A. No. 18-966-CFC-CJB (D. Del.),
18 Dkt. No. 678, and (3) emailed the court to request a teleconference in *VLSI Technology, LLC v. Intel*
19 *Corporation*, Case No. 1:19-CV-977-ADA (W.D. Tex.).

20 WHEREAS, VLSI’s opposition in *VLSI Technology, LLC v. Intel Corporation*, 5:17-cv-
21 05671-BLF (N.D. Cal.), was filed on January 26 and Intel’s motion remains pending. *VLSI*
22 *Technology, LLC v. Intel Corporation*, 5:17-cv-05671-BLF (N.D. Cal.), Dkt. No. 294.

23 WHEREAS, the court has set a hearing in *VLSI Technology, LLC v. Intel Corporation*, C.A.
24 No. 18-966-CFC-CJB (D. Del.), for February 1, 2021. *VLSI Technology, LLC v. Intel Corporation*,
25 C.A. No. 18-966-CFC-CJB (D. Del.), Dkt. No. 681.

26 WHEREAS, the court has stated it will set a teleconference in *VLSI Technology, LLC v. Intel*
27 *Corporation*, Case No. 1:19-CV-977-ADA (W.D. Tex.), for February 1, 2021.

1 WHEREAS, on January 25, Apple filed a motion for relief in *Uniloc 2017 LLC v. Apple Inc.*,
 2 3:19-cv-01905-JD (N.D. Cal.), Dkt. No. 168. Apple's motion remains pending.

3 WHEREAS, on January 28, Apple filed a motion for relief in *Uniloc 2017 LLC v. Apple Inc.*,
 4 5:19-cv-01929-EJD (N.D. Cal.), Dkt. No. 105. Apple's motion remains pending.

5 WHEREAS, Apple may file an additional motion for relief this week or early next week.

6 WHEREAS, the parties have agreed, subject to Court approval, that Apple and Intel may
 7 have a 31-day extension of time to March 8, 2021 to file a second amended complaint.

8 WHEREAS, this extension of time will allow the courts time to rule on Intel and Apple's
 9 pending and forthcoming motions for relief.

10 WHEREAS, this Court has granted five prior stipulations by the parties to extend time:

- 11 • On December 5, 2019, the Court granted a stipulation to extend the time for
 12 Defendants to file a declaration supporting Plaintiffs' motion to seal the original
 13 complaint from November 25, 2019 to December 6, 2019. *See* Dkt. No. 43.
- 14 • On December 13, 2019, the Court granted a stipulation to extend the time for
 15 Defendants to respond to the original complaint from December 16, 2019 to
 16 February 4, 2020 and extended the corresponding briefing schedule on Defendants'
 17 motion to dismiss. *See* Dkt. No. 75.
- 18 • On March 31, 2020, the Court granted a stipulation to extend the time for Defendants
 19 to file a reply in support of their motions to dismiss, strike, and/or stay the action
 20 from April 6, 2020 to April 13, 2020. *See* Dkt. No. 161.
- 21 • On August 12, 2020, the Court granted a stipulation to extend the time for Defendants
 22 to respond to the amended complaint from August 25, 2020 to September 15, 2020
 23 and extended the corresponding briefing schedule on Defendants' motion to dismiss.
See Dkt. No. 196.
- 24 • On August 28, 2020, the Court granted a stipulation to continue the Case
 25 Management Conference from September 17, 2020 to December 17, 2020. *See* Dkt.
 26 No. 199.

27 WHEREAS, there are no pending deadlines in this case other than the deadline to file a
 28 second amended complaint. Therefore, the requested time modification would not affect the case
 schedule other than the deadline to file a second amended complaint.

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties, subject to the
2 Court's approval:

3 1. Plaintiffs may have until March 8, 2021 to file a second amended complaint.

4 IT IS SO STIPULATED.

5
6 DATED: January 29, 2021

Respectfully submitted,

7 By: /s/ Mark D. Selwyn

8 Mark D. Selwyn (SBN 244180)
9 mark.selwyn@wilmerhale.com
10 WILMER CUTLER PICKERING
11 HALE AND DORR LLP
12 2600 El Camino Real, Suite 400
13 Palo Alto, CA 94306
14 Telephone: (650) 858-6000
15 Fax: (650) 585-6100

16 William F. Lee (*pro hac vice*)
17 william.lee@wilmerhale.com
18 WILMER CUTLER PICKERING
19 HALE AND DORR LLP
20 Joseph J. Mueller (*pro hac vice*)
21 joseph.mueller@wilmerhale.com
22 Timothy D. Syrett (*pro hac vice*)
23 timothy.syrett@wilmerhale.com
24 60 State Street
25 Boston, MA 02109
26 Telephone: (617) 526-6000
27 Fax: (617) 526-5000

28 WILMER CUTLER PICKERING
HALE AND DORR LLP
Leon G. Greenfield (*pro hac vice*)
leon.greenfield@wilmerhale.com
Amanda L. Major (*pro hac vice*)
amanda.major@wilmerhale.com
1875 Pennsylvania Avenue N.W.
Washington, DC 20006
Telephone: (202) 663-6000
Fax: (202) 663-6363

Attorneys for Plaintiffs
INTEL CORPORATION and APPLE INC.

1 By: /s/ A. Matthew Ashley

2 A. Matthew Ashley
3 *Counsel for Defendants*
4 FORTRESS INVESTMENT GROUP LLC,
5 FORTRESS CREDIT CO. LLC,
6 VLSI TECHNOLOGY LLC

7 /s/ Christopher A. Seidl

8 Christopher A. Seidl (*pro hac vice*)
9 CSeidl@RobinsKaplan.com
10 ROBINS KAPLAN LLP
11 800 LaSalle Avenue, Suite 2800
12 Minneapolis, MN 55402
13 Telephone: 612 349 8468
14 Facsimile: 612 339-4181
15 *Counsel for Defendants*
16 INVT SPE LLC
17 INVENTERGY GLOBAL, INC.

18 /s/ Jason D. Cassady

19 Jason D. Cassady (*pro hac vice*)
20 jcassady@caldwellcc.com
21 CALDWELL CASSADY & CURRY
22 2121 N. Pearl Street, Suite 1200
23 Dallas, TX 75201
24 Telephone: 214 888-4841
25 Facsimile: 214-888-4849
26 *Counsel for Defendant*
27 IXI IP, LLC

28 /s/ James J. Foster

James J. Foster
jfoster@princelobel.com
PRINCE LOBEL TYE LLP
One International Place, Suite 3700
Boston, MA 02110
Telephone: 617 456-8022
Facsimile: 617 456-8100
Counsel for Defendant
UNILOC 2017 LLC

/s/ Daniel. R. Shulman

Daniel R. Shulman (*pro hac vice*)
dan@shulmanbuske.com
SHULMAN & BUSKE PLLC
126 North Third Street, Suite 402
Minneapolis, MN 55401
Telephone: 612 870 7410
Counsel for Defendants
UNILOC LUXEMBOURG S.A.R.L.
UNILOC USA, INC

/s/ Dean C. Eyler

Dean C. Eyler (*pro hac vice*)
dean.eyler@lathropgpm.com
LATHROP GPM LLP
500 IDS Center
80 South 8th Street
Minneapolis, MN 55402
Telephone: 612 632-3335
Facsimile: 612 632-4000
Counsel for Defendants
UNILOC LUXEMBOURG S.A.R.L.
UNILOC USA, INC

/s/ Samuel F. Baxter

Samuel F. Baxter (*pro hac vice*)
sbaxter@mckoolsmith.com
John Briody (*pro hac vice*)
jbriody@mckoolsmith.com
MCKOOL SMITH
104 East Houston, Suite 100
Marshall, TX 75670
Telephone: 903 923-9001
Facsimile: 903 923-9099

One Manhattan West
395 9th Avenue, 50th Floor
New York, NY 10001-8603
Telephone: 212.402.9438
Counsel for Defendant
SEVEN NETWORKS, LLC

CERTIFICATE OF SERVICE

On this 29th day of January 2021, I hereby certify that I caused the foregoing document entitled Intel Corporation and Apple Inc.'s Administrative Motion to File Amended Complaint Under Seal to be filed via the court's CM/ECF system, which shall send notice to the counsel of record for the parties.

DATED: January 29, 2021

Respectfully submitted,

By: /s/ Mark D. Selwyn

Mark D. Selwyn (SBN 244180)
mark.selwyn@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
2600 El Camino Real, Suite 400
Palo Alto, CA 94306
Telephone: (650) 858-6000
Facsimile: (650) 858-6100

Attorney for Plaintiffs
INTEL CORPORATION and APPLE INC.

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

DATED: _____

The Honorable Edward M. Chen
United States District Judge

ECF ATTESTATION

I, Mark D. Selwyn, am the ECF user whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER TO ENLARGE TIME. I hereby attest that I received authorization to insert the signatures indicated by a conformed signature (/s/) within this e-filed document.

By: /s/ Mark D. Selwyn
Mark D. Selwyn